

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Original Mann, formerly known as Cyrus
Casby,¹

Plaintiff

v.

Usher Raymond, et al.,

Defendants

Case No.: 2:23-cv-01578-CDS-EJY

**Order Adopting Report and
Recommendation of the Magistrate Judge
and Closing Case**

[ECF No. 7]

Pro se plaintiff Original Mann, formerly known as Cyrus Casby, commenced this action by filing a complaint but did not apply to proceed in forma pauperis (IFP) or remit the required filing fee. On October 5, 2023, Magistrate Judge Elayna Youchah ordered Mann to either pay the \$402 filing fee or file a complete IFP application. Order, ECF No. 3. Mann complied with the court's order and submitted an IFP application. ECF No. 4. Thereafter, Judge Youchah granted Mann's application to proceed in forma pauperis (ECF No. 4) but dismissed his complaint (ECF No. 1-1) for failure to state a claim upon which relief can be granted, with leave to amend. Order, ECF No. 6. Mann had until November 30, 2023 to file a first amended complaint curing the deficiencies identified in the order. *Id.* After finding that Mann failed to amend his complaint before the deadline, Judge Youchah recommends that the complaint be dismissed without prejudice. Report and Recommendation (R&R), ECF No. 7.

Under this district's local rules, Mann had until December 22, 2023 to file objections to the R&R. LR IB 3-2(a). As of the date of this order, no objections have been filed. Although I am not required to review Judge Youchah's R&R², I nonetheless reviewed it and the docket, and

¹ In his prison records, and his own filings, plaintiff's name is spelled "Casby" not "Gasby." The clerk is kindly instructed to change the docket to reflect the proper spelling of plaintiff's last name.

² "[N]o review is required of a magistrate judge's report and recommendation unless objections are filed." *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 agree with her findings. Mann's complaint does not state an identifiable claim for relief adequate
2 to fairly alert defendants of the claims against them and the grounds upon which they rest. *See*
3 ECF No. 1-1. Mann has not filed an amended complaint, nor did he request any additional time
4 to file one. Instead, Mann submitted a "status request"³ which did not contain objections to the
5 R&R nor any explanation or good cause for his failure to file objections and/or an amended
6 complaint. ECF No. 8. As such, I adopt the R&R in full and dismiss the complaint without
7 prejudice.

8 Conclusion

9 IT IS THEREFORE ORDERED that Magistrate Judge Youchah's Report and
10 Recommendation [ECF No. 7] is ADOPTED in its entirety.

11 IT IS FURTHER ORDERED that the plaintiff's complaint is dismissed without
12 prejudice. The Clerk of Court is kindly instructed to close this case.

13 DATED: January 9, 2024

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15 Cristina D. Silva
16 United States District Judge
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25 _____
26 ³ The court notes, however, that as plaintiff in this action, it is Mann's obligation to monitor the court's
docket on a regular basis, in order to keep himself advised of the case status. *See In re Delaney*, 29 F.3d 516,
517 (9th Cir. 1994) (parties have an "affirmative duty" to monitor the docket to determine entry of
orders).